

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
 v. :
 :
 RICHARD D. HART, :
 :
 Defendant. :
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/3/2020

S1 17-CR-248 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Defendant's motion "pursuant to 18 U.S.C. § 3582 (c)(1)(A) to modify Mr. Hart's term of imprisonment to time served and to impose a special condition that Mr. Hart serve a period of home confinement on supervised release." (Hart Comp. Mot. 1.)¹ The Government by email indicated it is going to undertake to gather information and intends to report back on Friday, April 3, 2020. It is hereby

ORDERED that the Government shall file a response to Defendant's motion by 5 p.m. Friday, April 3, 2020. That response should include a discussion of the exhaustion issue addressed in paragraphs 15-16 of the Hart Comp. Mot., including: (1) whether an email from counsel to the Warden of the Metropolitan Detention Center ("MDC") qualifies as part of the exhaustion process authorized by the Federal Bureau of Prisons ("BOP"); (2) whether in light of the current lockdown within the BOP Defendant Hart can access the administrative processes necessary to initiate a request for compassionate release within the MDC/BOP, and; (3) the following cases (a) *United States v. Monzon*, 2020 U.S. Dist. LEXIS 20566, 2020 WL 550220


¹ "Hart Comp. Mot." refers to Defendant Richard Hart's Motion to Modify Sentence. Hart is directed to file this motion on the docket, or to seek permission to file a redacted version of his motion.

(S.D.N.Y. Feb. 4, 2020); (b) *United States v. Bolino* , 2019 U.S. Dist. LEXIS 223321 (E.D.N.Y. Dec. 30, 2019); and (c) *United States v. Perez*, 17 Cr. 513-3 (AT) (Doc. 98.); and

IT IS FURTHER ORDERED that parties attempt to contact the appropriate authorities at the MDC and/or the BOP concerning whether or not they intend to and/or have the capacity to respond within 30 days to Defendant's motion and/or whether they have formulated a position with regard to Defendant's motion, and, either in a joint letter or separately, inform the Court of the results of their discussions with the appropriate authorities at the MDC and/or the BOP by 5 p.m. Friday, April 3, 2020.

SO ORDERED.

Dated: April 3, 2020
New York, New York


Vernon S. Broderick
United States District Judge